

The Environmental Protection Agency
Enforcement and Compliance History Online Web Site

Federal Register, Volume 67, No. 224

Wednesday, November 20, 2002

Comments Submitted by:

Kerr-McGee Chemical Worldwide LLC

and

Kerr-McGee Oil and Gas Corporation

March 17, 2003

The United States Environmental Protection Agency (EPA) is soliciting comments on their Enforcement and Compliance History Online (ECHO) web site, and is requesting responses to specific questions. The ECHO web site brings together information on Clean Air Act (CAA), Clean Water Act (CWA), and Resource Conservation and Recovery Act (RCRA) enforcement and compliance in a user-friendly mode. The EPA is to be commended for conducting homeland security reviews prior to public release of the pilot. Kerr-McGee Chemical Worldwide LLC and Kerr-McGee Oil & Gas Corporation, as a member of the regulated community, appreciates the opportunity to provide public comment on the web site in general, and to submit correction statements regarding the data in ECHO during the pilot stage of the web site. Responses to the EPA's specific questions are provided below.

1) Does the site provide meaningful and useful information about the compliance and enforcement program?

Answer: The site can provide meaningful and useful information in regards to what the EPA has defined as major sites. The detailed facility reports are useful in providing a general summary of a facility's compliance and enforcement in regards to the CAA, CWA and RCRA.

However, due to the significant number and type of errors, the information could mislead the public by misconstruing the actual ownership, environmental enforcement and/or compliance at the facilities. Greater care and/or diligence should be given to accurate data entry and removal of violations that have been closed. Violations should not be listed when no official Notice of Violation (NOV) was issued or when a facility successfully challenges a NOV.

Several facilities that the ECHO database search engine listed were never owned or operated by the company indicated in the database, or had been closed down completely or sold more than 5 years prior. These facilities should not appear in ECHO, and therefore, the information on these facilities is neither meaningful nor useful. Accordingly, we request that the EPA provide each company with an opportunity to review and comment on the information before it is placed on the web site.

The web site also contains what the EPA has defined as minor facilities. However, no compliance violations are required to be entered into the database. Inclusion of minor facilities with no compliance history is neither meaningful nor useful in the context that ECHO is intended. In addition, listing minor facility general permits with what appears to be the original or a default expiration date, and no information regarding current status is very misleading in that it could be interpreted as if these facilities are not properly permitted.

States, or applicable regulatory authority, must assume responsibility and accountability for correct, timely entry of data, and for data corrections to be made in a reasonable time frame (i.e., when violations are closed or when permits are updated or terminated) in order for ECHO to convey meaningful and useful information. A facility should not be listed as in violation prior to an NOV being issued. At a minimum, a flag on the facility report should indicate when a facility challenges the alleged violation.

Although it is understandable that incorrect data could occasionally be mistakenly entered into a database, the identification of facilities in a specified company's name that have never been connected to said company, or that have been sold or closed for over 5 years, is not only misleading to the public but is unacceptable data quality assurance.

The inclusion of minor facilities without compliance information and inaccurate permit information is neither meaningful nor useful, and in fact can be misleading. **All minor facilities should be deleted from the web site.**

The Federal Register notice states that the EPA developed ECHO for "providing Internet access to facility level compliance and enforcement information contained in core EPA data systems. The inclusion of demographic information has no bearing on the enforcement or compliance of a facility. This information conveys no facility-specific information, and is, therefore, in the intent of the ECHO web site neither meaningful nor useful. **All demographic information should be deleted from the ECHO web site.**

2) *Is the site easy to navigate?*

Answer: Yes, the site is easy to navigate.

3) *Does the help text adequately explain the data?*

Answer: No comment.

4) *What additional features, content, and/or modifications would improve the site?*

Answer: When a facility is issued an NOV and challenges the alleged violation(s), a flag should be added to the report documenting the challenge.

Owners and/or operators should be notified whenever a correction request is submitted to the EPA by a third party.

A notification of data change in a facility report should be flagged, along with the date the change was made.

All minor facilities should be deleted from ECHO. As stated in Question No. 1 above, the inclusion of minor facilities without compliance information and inaccurate permit information is neither meaningful nor useful, and in fact can be misleading, and they should be deleted from the site. Since ECHO is intended to provide compliance violations, compliance history, and enforcement activities, minor facilities should be excluded due to the fact that these data are not required to be entered for these facilities.

All demographic information should be deleted from ECHO. As previously stated, the Federal Register notice stated that the EPA developed ECHO to “provide Internet access to facility level compliance and enforcement information contained in core EPA data systems.” Demographic information has no bearing on enforcement or compliance at a facility and could be misused.

5) *For members of the regulated community:*

A) *Were your facility reports accurate?*

Answer: Not entirely. Approximately 60% for the enforcement and compliance history for listed major facilities is accurate. This percentage number does not include the number of facilities that were never owned or operated by the company, or were sold or permanently closed more than 5 years ago that are listed under the company's name in the database.

B) *If you did need to submit an online error report, was the error reporting process easy?*

Answer: No online error reporting has been done at this time, but the process appears to be easy. However, the much bigger concern is the response to correcting identified errors.

What assurances can the EPA offer the regulated community that error correction requests will be properly investigated and addressed in a timely manner?